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UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 SAVANNAH PUCCIO,

16 Defendant.

No. CR 18-292-DMG-2

GOVERNMENT'S SENTENCING POSITION  
REGARDING DEFENDANT SAVANNAH  
PUCCIO

Hearing Date: September 22, 2021  
Hearing Time: 3:00 p.m.  
Location: Courtroom of the  
Hon. Dolly M. Gee

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20 Plaintiff United States of America, by and through its counsel  
21 of record, the United States Attorney for the Central District of  
22 California and Assistant United States Attorney Ian V. Yanniello,  
23 hereby files its Sentencing Position Regarding Defendant Savannah  
24 Puccio.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 On March 31, 2021, defendant Savannah Puccio ("defendant")  
4 pleaded guilty to count one of the indictment in the above captioned  
5 case, which charges defendant with mail theft in violation of 18  
6 U.S.C. § 1708. In February 2018, defendant and others stole mail  
7 from various community mailboxes located inside the garage of a 64-  
8 unit condominium complex in Redondo Beach, California.

9 Based on an offense level of 6 and a criminal history category  
10 of II, the Presentence Investigation Report ("PSR") by the Probation  
11 Office ("USPO") correctly calculates the applicable Guidelines range  
12 to be 1 to 7 months. Since the applicable guideline range is in Zone  
13 B of the Sentencing Table, the minimum term may be satisfied by (1) a  
14 sentence of imprisonment; (2) a sentence of imprisonment that  
15 includes a term of supervised release with a condition that  
16 substitutes community confinement or home detention according to the  
17 schedule in USSG §5C1.1(e), provided that at least one month is  
18 satisfied by imprisonment; or (3) a sentence of probation that  
19 includes a condition or combination of conditions that substitute  
20 intermittent confinement, community confinement, or home detention  
21 for imprisonment according to the schedule in USSG §5C1.1(e). PSR  
22 ¶ 106; U.S.S.G. § 5C1.1(c).

23 Considering the sentencing factors laid out in 18 U.S.C.  
24 § 3553(a), the government agrees with the USPO's recommendation that  
25 defendant be sentenced to a low-end sentence of one month  
26 incarceration. While the USPO recommends the sentence be followed by  
27 one year of supervised release, the government respectfully  
28 recommends a three-year term due to defendant's serial noncompliance

1 with the terms of her release, PSR ¶¶ 4-20, which include an  
2 identity-theft related arrest in May 2020, PSR ¶ 8.

3 **II. RECOMMENDED SENTENCE**

4 The government believes that a low-end sentence of one month  
5 custody, a three-year period of supervised release, and a \$100  
6 special assessment is sufficient but not greater than necessary to  
7 accomplish the goals set forth in 18 U.S.C. § 3553(a).

8 While not definitive, the Guidelines range provides the starting  
9 point for finding a reasonable sentence and must then be considered  
10 with the factors set forth in Section 3553(a). See United States v.  
11 Cantrell, 433 F.3d 1296, 1279 (9th Cir. 2006). "To comply with the  
12 requirements of Booker, the district court must have sufficiently  
13 considered the Guidelines as well as the other factors listed in  
14 § 3553(a). This requirement does not necessitate a specific  
15 articulation of each factor separately, but rather a showing that the  
16 district court considered the statutorily-designated factors in  
17 imposing a sentence." United States v. Nichols, 464 F.3d 1117, 1125  
18 (9th Cir. 2006) (quoting United States v. Knows His Gun, 438 F.3d  
19 913, 918 (9th Cir. 2006).

20 The recommended sentence appropriately reflects the seriousness  
21 of defendant's criminal conduct. Defendant unlawfully entered a 64-  
22 unit condominium, broke into various community mailboxes, and stole  
23 mail belonging to numerous victims. None of the stolen mail was  
24 recovered or returned to the victims. PSR ¶ 26. Although not a  
25 violent crime, mail theft crimes cause substantial economic harm to  
26 many victims. Even in cases where economic losses are not proven,  
27 mail theft crimes nonetheless create a substantial risk of loss and  
28 emotional harm on the victims. Such crimes have repercussive effects

1 in the community, and a significant sentence is warranted to protect  
2 the public from further crimes by the defendant.

3 The recommended sentence also reflects the need to promote  
4 respect for the law and afford adequate deterrence. As the USPO  
5 notes in its Recommendation Letter, defendant "has been noncompliant"  
6 while on pre-trial release and most of the violations involve  
7 defendant disregarding or ignoring the terms of her supervision  
8 and/or the instructions of defendant's Pretrial Services Officer.  
9 (See Recommendation Letter at 5; PSR ¶¶ 4-20.) Defendant, for  
10 example, failed to show up to various drug tests, PSR ¶ 12, failed to  
11 report to her probation officer when she was instructed to, PSR § 16,  
12 changed residences without seeking permission, PSR § 17, and failed  
13 to comply with home inspections on three occasions, PSR at 12 (FN1).  
14 Notably, when defendant was released on bond, the conditions of her  
15 release included, among other things, an order to avoid all contact  
16 with M.N., a suspect in the underlying mail theft offense, and to not  
17 use or possess any identification, mail matter, or identification-  
18 related materials other than those in defendant's true and correct  
19 name. See PSR ¶ 4. On May 16, 2020, however, defendant and M.N. were  
20 arrested after police found a passport, driver's license, and debit  
21 cards belonging to another person, two counterfeit United States  
22 Postal keys, and washed or altered checks. PSR ¶¶ 8, 51. As the USPO  
23 observed, "[a]ll of these factors indicate [defendant]'s respect for  
24 the law is low." (See Recommendation Letter at 6.) Thus, the  
25 government's recommended sentence reflects this concern and provides  
26 adequate deterrence and promotes respect for the law. See 18 U.S.C.  
27 §3553(a)(2)(B) (the sentence imposed is required "to afford adequate  
28 deterrence to criminal conduct," which encompasses both specific and

1 general deterrence); United States v. Goff, 501 F.3d 250, 261 (3d  
2 Cir. 2007).

3 The government's recommendation also takes into account the  
4 mitigating facts detailed in the PSR, including defendant's lengthy  
5 struggle with drug addiction and instability and abuse in her home  
6 when she was young. As such, the recommended custodial sentence is  
7 an appropriate and just sentence under the circumstances. The  
8 proposed term of supervised release will promote respect for the law  
9 going forward, as well as affording adequate deterrence from future  
10 crimes.

### 11 **III. CONCLUSION**

12 For the foregoing reasons, the government respectfully requests  
13 that this Court sentence defendant to one month custody, followed by  
14 a three-year term of supervised release. The defendant should also  
15 be ordered to pay a \$100 special assessment.